IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 312 OF 1999

1. Madgaum Urban
   Co-operative Bank
   Ltd., a Co-operative
   Bank registered
   under the Maharashtra
   Co-operative Societies
   Act, 1960, as applied
   to the State of Goa,
   having its Head Office,
   at Aquem-Alto, Margao,
   Goa 403 601, through its
   General Manager,
   Shri P. P. Kamath,
   major, married,
   Indian National,
   resident of Margao, Goa.

2. Shri Ramakant S. Angle,
   major, married, Indian
   National, resident of
   Margao, Director of
   Madgaum Urban Co-operative
   Bank Ltd.

3. Shri Ivo Almeida Coutinho,
   major, married, Indian
   National, resident of
   Margao, Director & Vice
   Chairman of Madgaum
   Urban Co-operative Bank
   Ltd.

4. Shri Dilip R. N. Sanvordekar,
   major, married, Indian National,
   resident of Margao, Director
   of Madgaum Urban Co-operative
   Bank Ltd.

5. Shri Arvind M. Hodarkar,
   major, married, Indian
   National, resident of
   Margao, Director of Madgaum
   Urban Co-operative Bank Ltd.

6. Shri Andrew S. Gracias,
major, married, Indian
National, resident of
Margao, Director of
Madgaum Urban Co-operative
Bank Ltd.

7. Shri Gurudas L. Kamat,
major, married, Indian
National, resident of
Margao, Director of
Madgaum Urban Co-operative
Bank Ltd.

8. Shri Suresh R. Phadte,
major, married, Indian
National, resident of
Margao, Chairman & Director
of Madgaum Urban Co-operative
Bank Ltd.

9. Shri Mhalu G. Naik,
major, married, Indian
National, resident of
Margao, Director of Madgaum
Urban Co-operative Bank Ltd.

10. Shri Kishore V. Narvekar,
major, married, Indian
National, resident of
Margao, Director of Madgaum
Urban Co-operative Bank Ltd. ... Petitioners

versus

1. The State of Goa,
through the Secretary,
Department of Co-operation,
Secretariat, Panaji,
Goa - 403 001.

2. The Registrar of Co-operative
Societies, Government of Goa,
Panaji, Goa.

3. Shri Puti Gaonkar, major,
married, Indian National,
resident of G5,
Machado Apartments, Tisk,
Ponda, Goa. ... Respondents

Mr. S. G. Dessai, Senior Advocate with Mr. D. B. Ambekar, Advocate for the Petitioners.

Mr. A. N. S. Nadkarni, Advocate General with Ms. Winnie Coutinho, Government Advocate for Respondent Nos.1 and 2.

Mr. A. V. Nigalye, Advocate for Respondent No.3, absent.

CORAM : SMT. NISHITA N. MHATRE &
P. V. HARDAS, JJ.

DATED : 20TH JANUARY, 2004.

ORAL JUDGMENT(PER P.V.HARDAS, J.)

An Order dated 30th September, 1999, passed by Respondent No.2 herein, at Exhibit P-1, thereby granting an ex-parte stay and thereby staying the appointment of candidates who had appeared for written test on 13th June, 1999 and for an oral interview subsequently for the clerical posts, is the subject matter of challenge in the present Petition.

2. This Court by its Order dated 14th October, 1999, while issuing Rule in the matter had directed that

the Order impugned in the present Petition and all further proceedings before the Registrar of Co-operative Societies were stayed and the appointments made by the Petitioners shall be subject to the final result of the Petition.

3. Mr. S. G. Dessai, learned Senior Counsel appearing on behalf of the Petitioners states that in the present Petition, the impugned Order is questioned on the ground that the second Respondent had no jurisdiction to entertain the dispute as was filed before him and consequently the Order impugned is an Order beyond jurisdiction of the second Respondent. According to us, this point can be agitated by the Petitioners before the second Respondent by filing its reply and raising the plea of want of jurisdiction of the second Respondent to entertain the dispute.

4. The Petition is, therefore, accordingly disposed of by giving liberty to the Petitioners to file its reply raising amongst other grounds the ground of jurisdiction, if so advised. If an application in this respect is filed before the second Respondent, the second Respondent, after giving an opportunity to Respondent No.3 herein to contest the same, shall decide it as expeditiously as possible in accordance with law.

The Interim Order of this Court in so far as it operates in respect of the stay of the impugned Order to continue till the decision of the said application.

5. Rule made absolute on the above terms with no order as to costs.

SMT. NISHITA N. MHATRE, J.

P. V. HARDAS, J.

RD.